

United States District Court

for the
Western District of New York

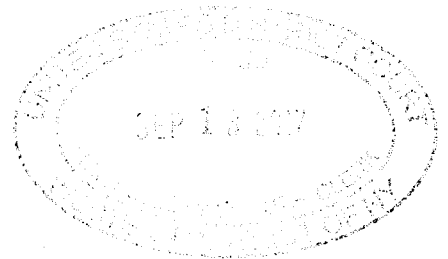
United States of America

v.

Ibilola Rasheedat Yussuf

Defendant

Case No. 17-M- 123



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 12, 2017, in the County of Erie, in the Western District of New York, the defendant did knowingly possess an identification document with intent to defraud the United States, in violation of Title 18, United States Code, Section 1028(a)(4), did willfully and knowingly use or attempt to use a passport which was secured by reason of any false statement, in violation of Title 18, United States Code, Section 1542 and did knowingly and willfully make and/or use a false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry in a matter within the jurisdiction of the executive branch of the government, in violation of Title 18, United States Code, Section 1001(a)(3).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

A handwritten signature in black ink, appearing to read "D. Whitten", written over a horizontal line.

Complainant's signature

DANIEL A. WHITTEN
ENFORCEMENT OFFICER
U.S. CUSTOMS AND BORDER PROTECTION

Printed name and title

Sworn to before me and signed in my presence.

Date: September 13, 2017

A handwritten signature in black ink, appearing to read "H. Schroeder", written over a horizontal line.

Judge's signature

City and State: Buffalo, New York

H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

Daniel A. Whitten being duly sworn, deposes and states:

1. I am an Enforcement Officer with United States Customs and Border Protection (CBP), within the Department of Homeland Security (DHS) , and have been so employed for the past thirteen (13) years. In such capacity, my duties include investigating persons who have violated Federal Immigration laws and other related Federal statutes.

2. I make this affidavit in support of a complaint charging Ibilola Rasheedat YUSSUF (a/k/a Olivia PAYNE), the defendant, an alien, born June 9, 1987, in Nigeria, with knowingly possessing an identification document with intent to defraud the United States, in violation of Title 18, United States Code, Section 1028(a)(4), with willfully and knowingly using or attempting to use any passport which was secured in any way by reason of any false statement, in violation of Title 18, United States Code, Section 1542 and for knowingly and willfully making and/or using any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry in a matter within the jurisdiction of the executive branch of the government in violation of Title 18, United States Code, Section 1001(a)(3).

3. The statements contained in this affidavit are based on my personal knowledge and upon information provided to me by other Customs and Border Protection Officers, who are known to be reliable. Because this affidavit is being submitted for the limited purposes of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe establish probable cause to believe that Ibilola Rasheedat YUSSUF, did knowingly violate Title 18, United States Code, Section 1028(a)(4), Title 18, United States Code, Section 1001(a)(3) and Title 18 United States Code, Section 1542.

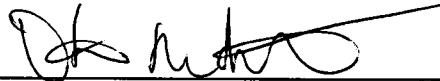
4. On September 12, 2017, the defendant applied for admission to the United States at the Peace Bridge Port-of-Entry in Buffalo, New York. At approximately 9:15 PM, CBP Officer Benjamin Smith performed a primary inspection of the defendant, who was a passenger on a Greyhound Bus arriving from Canada. As proof of identity and citizenship, the defendant presented United States Passport number 469862XXX, bearing the name Olivia Payne, born in 1981. Officer Smith then asked the defendant if she was a United States citizen, to which she responded "Yes." When asked, her place of birth, she responded "New York", although the passport she presented indicated she was born in Illinois. Officer Smith then electronically scanned the defendant's fingerprints in an attempt to verify her identity. This fingerprint search resulted in a positive match, indicating her true identity to be Ibilola Rasheedat YUSSUF, born in 1987, in Nigeria. This fingerprint search also confirmed she was a match to FBI# 204055HD9, based on a previous criminal record in Lexington, Kentucky.

5. CBP Enforcement Officer Matthew Sundlov then conducted standard checks of the Department of Homeland Security computer databases. These checks revealed that the defendant had previously been granted U.S. Conditional Resident status in 2009, but that this status was terminated in 2011. Additional checks showed that the defendant was ordered removed from the United States, in absentia, by an Immigration Judge in October 2016.

6. Based upon the aforementioned information, the defendant was read her Miranda Rights by Officer Sundlov, at 10:31 PM. The defendant stated that she understood her rights, but stated she wished to talk to attorney before answering any questions.

7. On September 13, 2017 I contacted Olivia Payne, who is located in New York, NY and conducted a phone interview with her. She stated that she was born in Chicago, IL and moved to New York, NY when she was a child. She stated that she has never applied for a United States passport or traveled outside of the United States. She provided me with her personal identifiers as well as her US Social Security number. I then reviewed an electronic copy of the passport application that was submitted in order to obtain the passport presented by the defendant. The name, date and place of birth, social security number and address are the same ones provided to me by Olivia Payne. I asked Ms. Payne if she had ever had any of her identity documents stolen and she said no, but that she did lose her birth certificate about eight or nine years ago when submitting an application to a community college in New York.

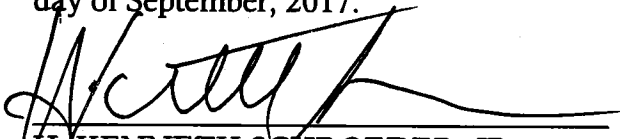
WHEREFORE, I respectfully submit the foregoing facts to establish probable cause to believe that on or about September 12, 2017, Ibilola Rasheedat YUSSUF did knowingly possess an identification document with intent to defraud the United States, in violation of Title 18, United States Code, Section 1028(a)(4), did willfully and knowingly use or attempt to use a passport which was secured by reason of any false statement, in violation of Title 18, United States Code, Section 1542 and did knowingly and willfully make and/or use a false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry in a matter within the jurisdiction of the executive branch of the government in violation of Title 18, United States Code, Section 1001(a)(3).



DANIEL A. WHITTEN
Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me this 13th

day of September, 2017.


H. KENNETH SCHROEDER, JR.
United States Magistrate Judge